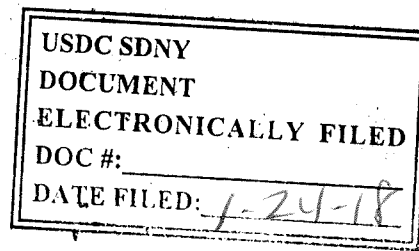


MEMORANDUM ENDORSEMENT

Vidurek et al. v. Koskinen, et al.,  
17 CV 9064 (VB)



The Court is in receipt of the attached letter from plaintiffs, who are proceeding pro se.

First, plaintiffs' letter is addressed to my chambers. Plaintiffs are instructed to address all future correspondence to the Pro Se Clerk at the following address:

United States District Court  
Pro Se Clerk  
300 Quarropas St.  
White Plains, NY 10601

The Court may disregard any future submissions sent directly to chambers.

Second, on January 16, 2018, the Court ordered plaintiffs to respond to defendants' motions to dismiss. (Doc. #14). The next day, on January 17, 2018, plaintiffs' response was docketed and dated January 16, 2018. (Doc. #15). It appears the Court's Order crossed plaintiffs' response in the mail. Therefore, plaintiffs have complied with the Court's January 16, 2018, Order.

The Clerk is directed to mail a copy of this Order to plaintiffs at the address listed on the docket.

Dated: January 23, 2018  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge

JAN 22 2018

**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

Federal Building Courthouse; 300 Quarropas Street; White Plains, NY 10601-4150

John and Kimberly Vidurek

Plaintiff(s)

Magistrate: Vincent L Briccetti

- Against -

Case no. 17 CV 9064 (VB)

John Koskinen, Et al

Defendants

**RESPONSE TO ORDER**

This is in response to the "ORDER" dated January 16, 2018.

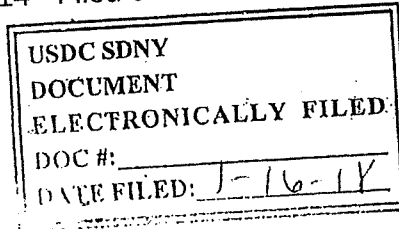
Plaintiffs did respond to defendants Quinn and Chiarello's motions to dismiss via certified mail on January 10<sup>th</sup> and was received by the court on January 12<sup>th</sup> at 11:14 am. See copy of order, receipt, certified delivery and "RESPONSE TO MOTIONS TO DISMISS" attached.

Please confirm receipt of this communicate. Thank You.

January 20, 2018

  
John & Kimberly Vidurek, in pro per

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



JOHN VIDUREK and KIMBERLY  
VIDUREK,

Plaintiffs,

v.

JOHN KOSKINEN, et al.,

Defendants.

**ORDER**

17 CV 9064 (VB)

On December 18, 2017, defendants Quinn and Chiarello filed separate motions to dismiss the complaint. (Docs. ##5, 8). Oppositions to the motions were due January 8, 2018. To date, plaintiffs, who are proceeding pro se, have not filed an opposition to either motion.

Therefore, it is ORDERED that by February 16, 2018, plaintiffs shall file an opposition to the motions to dismiss. Defendants' replies, if any, shall be due February 23, 2018. If plaintiffs fail to file their opposition by February 16, 2018, the motions will be deemed fully submitted and unopposed.

The Clerk is instructed to mail a copy of this Order to plaintiffs at the address listed on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: January 16, 2018  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti  
United States District Judge

Therefore, service was made as per the following (2) Federal Rules of Civil Procedure and Proof of service was filed with the court on November 21, 2017:

25 Rule 4 (e) SERVING AN INDIVIDUAL WITHIN A JUDICIAL DISTRICT OF THE UNITED STATES ... a person ... may be served in a judicial district of the United States by: (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; Thereby As per NYCPLR §308 Personal service upon a natural person shall be made by any of the following methods: 1. by delivering the summons within the state to the person to be served; by either mailing the summons to the person to be served at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business whereas proof of such service shall be filed with the clerk of the court; and in this fashion service was made upon the defendants.

35 Rule 5 Serving and Filing Pleadings and Other Papers (b) SERVICE: HOW MADE. (2) Service in General. A paper is served under this rule by: (A) handing it to the person; (i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; (C) mailing it to the person's last known address in which event service is complete upon mailing;

40 **EVERY RIGHT WHEN WITH-HELD MUST HAVE A REMEDY  
AND EVERY INJURY ITS PROPER REDRESS**

45 *"William Blackstone - a legal maxim - Every right when with-held must have a remedy, and every injury it's proper redress. ... In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. "In all other cases," he says, it is a general and indisputable rule that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded. And afterwards, page 109 of the same volume, he says, I am next to consider such injuries as are cognizable by the Courts of common law. And herein I shall for the present only remark that all possible injuries whatsoever that did not fall within the exclusive cognizance of either the ecclesiastical, military, or maritime tribunals are, for that very reason, within the cognizance of the common law courts of justice, for it is a*

*settled and invariable principle in the laws of England that every right, when withheld, must have a remedy, and every injury its proper redress"...* 5 U.S. 137, **Marbury v. Madison**

55 **TORT**: "a private or civil wrong or injury; a wrong independent of contract". 1 Hill, Torts 1. "A violation of a duty imposed by general law or otherwise upon all persons occupying the relation to each other which is involved in a given transaction." Coleman v. California Yearly Meeting of Friends Church, 27 Cal.App.2d 579, 81 P.2d 469, 470. "There -must always be a violation of some duty owing to plaintiff, and generally such duty must arise by operation of law and not by mere agreement of the parties." Diver v. Miller, Del.Super., 148 A. 291, 293.

60 There are "Three elements of every tort action are: Existence of legal duty from defendant to plaintiff, breach of duty, and damage as proximate result." City of Mobile v. McClure, 221 Ala. 51, 127 So. 832, 835.

65 Plaintiffs have an unalienable right of redress and have clearly stated in the Action filed on November 20, 2017 the aforesaid required three elements; see Action at Law lines 174-246.

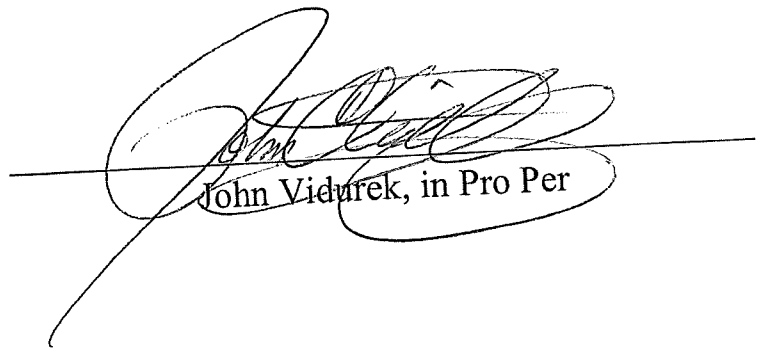
## **EXHIBITS**

All filed exhibits address the Action between the plaintiff and the government agents and agency and thereby have no bearing upon the financial institution defendants.

70 Upon information and belief all financial institution defendants shared plaintiff's papers and effects without a Warrant issued upon probable cause and supported by Oath or affirmation particularly describing the place to be searched and the persons or things to be seized. This is the issue at hand between the plaintiffs and said defendants either they violated the law and trust or they didn't. Therefore their response should be simply yea  
75 or nay under oath.

SEAL

80

  
John Vidurek, in Pro Per

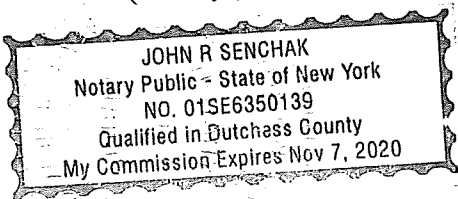
NOTARY

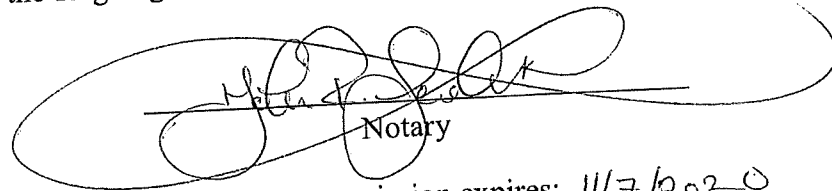
85

New York State, Dutchess County on this 10<sup>th</sup> day of January 2018 before me  
John R. Senchak, the subscriber, personally appeared John Vidurek to me known to  
be the living man describe in and who executed the forgoing instrument and sworn before me that he  
executed the same as his free will act and deed.

(Notary Seal)

90



  
Notary

My commission expires: 11/7/2020

=====

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HYDE PARK  
NY  
12538-9998  
3540750209  
01/10/2018 (800)275-8777 12:40 PM

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Product Description	Sale Qty	Final Price
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(Estimated Delivery Date)  
(Friday 01/12/2018)

First-Class Mail Letter	1	\$0.49
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(Domestic)  
(NEW YORK, NY 10016)  
(Weight:0 Lb 0.90 Oz)  
(Estimated Delivery Date)  
(Friday 01/12/2018)

PM 1-Day	1	\$7.20
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(Expected Delivery Date)  
(Thursday 01/11/2018)

Certified	1	\$3.35
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(@USPS Certified Mail #)  
(70163010000028998448)

Total	\$11.53
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Credit Card Remitd	\$11.53
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(Account #:XXXXXXXXXX5984)  
(Approval #:014040)  
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January 12, 2018 at 11:14 am  
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